

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3

4 UNITED STATES OF AMERICA,)
5 vs.) Criminal Action
6 DEBRA MULLOY,) No. 18-10200-FDS
7 Defendant)
8)
9)

10 BEFORE: THE HONORABLE F. DENNIS SAYLOR, IV
11

12 PLEA TO INFORMATION AND WAIVER TO INDICTMENT
13

14 John Joseph Moakley United States Courthouse
15 Courtroom No. 2
16 One Courthouse Way
Boston, MA 02210

17 July 10, 2018
18 11:00 a.m.
19

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22
23 Valerie A. O'Hara
24 Official Court Reporter
John Joseph Moakley United States Courthouse
25 1 Courthouse Way, Room 3204
Boston, MA 02210
E-mail: vaohara@gmail.com

1 APPEARANCES:

2 For The United States:

3 United States Attorney's Office, by MARK J. BALTHAZARD,
4 ASSISTANT UNITED STATES ATTORNEY, 1 Courthouse Way, Suite 9200,
Boston, Massachusetts 02110;

5 For the Defendant:

6 Dwyer LLC, by THOMAS E. DWYER, JR., ESQ., and JONATHAN C.
7 CRAFTS, ESQ., 10 Derne Street, Boston, Massachusetts 02114.

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1 prosecution for perjury or making a false statement?

2 THE DEFENDANT: Yes.

3 THE COURT: What is your full name?

4 THE DEFENDANT: Debra Jean DePaul Mulloy.

5 THE COURT: How old are you?

6 THE DEFENDANT: Fifty-seven.

7 THE COURT: How far did you go in school?

8 THE DEFENDANT: College, graduated.

9 THE COURT: Are you a citizen of the United States?

11:03AM 10 THE DEFENDANT: Yes.

11 THE COURT: Have you been recently treated for or
12 diagnosed with any mental illness or psychiatric or
13 psychological problem of any kind?

14 THE DEFENDANT: Not at the moment, no.

15 THE COURT: Have you been recently treated for or
16 diagnosed with any drug addiction or drug problem or alcohol
17 problem of any kind?

18 THE DEFENDANT: No.

19 THE COURT: As you sit here today, are you under the
11:04AM 20 influence of any medication or drug or alcohol beverage of any
21 kind?

22 THE DEFENDANT: No.

23 THE COURT: Have you received a copy of the
24 information pending against you, that is, the written charges
25 made against you in this case?

1 THE DEFENDANT: Yes.

2 THE COURT: And have you fully discussed the charges
3 against you and the facts and circumstances of your case with
4 Mr. Dwyer as your lawyer?

5 THE DEFENDANT: Yes.

6 THE COURT: Are you fully satisfied with the counsel
7 and representation and advice given to you in this case by your
8 lawyer, Mr. Dwyer?

9 THE DEFENDANT: Yes.

11:04AM 10 THE COURT: All right. I will first turn to the
11 waiver of indictment. You have a constitutional right to be
12 charged by an indictment of a grand jury, however, you can
13 waive that right and consent to being charged by an information
14 filed by the United States Attorney.

15 Criminal charges against you in this case have been
16 brought by the U.S. Attorney by the filing of an information
17 instead of an indictment. Unless you waive indictment, you may
18 not be charged with a felony unless a grand jury finds by
19 return of an indictment that there is probable cause to believe
11:05AM 20 that a crime has been committed and that you committed it.

21 If you do not waive indictment, the government may
22 present the case to the grand jury and ask it to indict you. A
23 grand jury is composed of at least 16 and not more than 23
24 persons. At least 12 grand jurors must find that there is
25 probable cause to believe you committed the crime with which

1 you are charged before you may be indicted. The grand jury
2 might or might not indict you.

3 If you waive indictment by the grand jury, the case
4 will proceed against you on the information filed by the
5 U.S. Attorney just as though you had been indicted.

6 Have you discussed waiving your right to an indictment
7 by the grand jury with your attorney?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you believe that you understand your
11:06AM 10 right to an indictment by the grand jury?

11 THE DEFENDANT: Yes.

12 THE COURT: Other than whatever may be in the plea
13 agreement, have any other threats or promises been made in
14 order to get you to waive indictment?

15 THE DEFENDANT: No.

16 THE COURT: And do you wish to waive your right to an
17 indictment by a grand jury?

18 THE DEFENDANT: Yes.

19 THE COURT: Mr. Dwyer, is there any reason that I
11:06AM 20 should not accept the waiver?

21 MR. DWYER: None.

22 THE COURT: All right. I have the waiver of
23 indictment form which appears to have been signed by the
24 defendant and by Mr. Dwyer. I find that the waiver of
25 indictment is made knowingly and voluntarily, and I accept it,

1 and I will countersign the waiver.

2 All right. Mr. Dwyer, may we dispense with the
3 reading of the information and proceed directly to the plea?

4 MR. DWYER: Please, your Honor.

5 THE COURT: All right. I will start with the plea
6 agreement. Ms. Mulloy, do you understand that you have entered
7 into a plea agreement with the United States Attorney's Office?

8 THE DEFENDANT: Yes.

9 THE COURT: Did you sign the agreement?

11:06AM 10 THE DEFENDANT: Yes.

11 THE COURT: Is that your signature on the last page of
12 the plea agreement?

13 THE DEFENDANT: Yes.

14 THE COURT: Did you have an opportunity to read the
15 agreement and discuss it with your lawyer before you signed it?

16 THE DEFENDANT: Yes.

17 THE COURT: Mr. Balthazard, would you summarize the
18 basic terms of the plea agreement?

19 MR. BALTHAZARD: Yes, your Honor. The plea agreement
11:07AM 20 provides that Ms. Mulloy will plead guilty to two counts of
21 wire fraud and one count of aggravated identity theft, that she
22 faces certain penalties, maximum penalties, as set forth in
23 paragraph 2.

24 The Sentencing Guidelines that have been agreed to by
25 the parties include the base offense level of 7, a loss between

1 \$1.5 and \$3.5 million, that the offense involved or offenses
2 involved an abuse of position of trust, and that the term for
3 aggravated identity theft is 24 months to run consecutive to
4 any other term of imprisonment.

5 The U.S. Attorney has reserved the right to seek
6 enhancements for two other guideline provisions, that the
7 offenses resulted in substantial financial hardship to one or
8 more victims, and that the defendant knew or should have known
9 that the victim of her offenses was a vulnerable victim, and
10 the defendant has reserved the right to contest those
11 enhancements.

12 The defendant has agreed there's no basis for a
13 departure outside the guidelines except for diminished
14 capacity.

15 The U.S. Attorney has agreed to recommend a sentence
16 of incarceration at the low end of the guideline range as
17 calculated by the Court at sentencing on Counts 1 and 2 with an
18 additional two years to run consecutive to the sentence imposed
19 on Counts 1 and 2, a fine within the guideline range, 36 months
20 of supervised release, a mandatory special assessment of \$300,
21 and restitution in the amount of at least \$2.65 million, and
22 forfeiture as set forth in the agreement.

23 There is a waiver of right to appeal, and it's clear
24 that the Court is not bound by the plea agreement, and the
25 defendant may not withdraw her plea if the Court imposes a

1 sentence that is not within the terms of the plea agreement.

2 There's a forfeiture provision as well, and those are
3 essentially the terms, your Honor.

4 THE COURT: All right. Ms. Mulloy, do you understand
5 that that was only a summary of the plea agreement --

6 THE DEFENDANT: Yes.

7 THE COURT: -- and that the written plea agreement
8 contains all of the terms to which you have agreed?

9 THE DEFENDANT: Yes.

11:09AM 10 THE COURT: Do you believe that you understand the
11 terms of the plea agreement?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that this is the only
14 agreement that you have with the U.S. Government?

15 THE DEFENDANT: Yes.

16 THE COURT: Has anyone made any other promise or
17 assurance to you of any kind in an effort to get you to plead
18 guilty?

19 THE DEFENDANT: No.

11:10AM 20 THE COURT: Do you understand that under the plea
21 agreement, the government has agreed to recommend a particular
22 sentence or type of sentence?

23 THE DEFENDANT: Yes.

24 THE COURT: And do you understand that the government
25 has only agreed to make a recommendation and that I could

1 reject that recommendation?

2 THE DEFENDANT: Yes.

3 THE COURT: And do you understand that if I reject
4 that recommendation, I could impose a sentence that may be
5 longer than you anticipate, and you will not have a chance to
6 withdraw your plea of guilty?

7 THE DEFENDANT: Yes.

8 THE COURT: Has anyone attempted in any way to force
9 you to plead guilty or to threaten you if you did not?

11:10AM 10 THE DEFENDANT: No.

11 THE COURT: Are you pleading guilty of your own free
12 will because you are in fact guilty?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that the crimes to which
15 you are pleading guilty are felonies?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand that if I accept your
18 plea, you'll be judged guilty of those crimes?

19 THE DEFENDANT: Yes.

11:10AM 20 THE COURT: Mr. Balthazard, would you please state the
21 maximum possible penalty provided by law and any applicable
22 mandatory minimum penalty?

23 MR. BALTHAZARD: Yes, your Honor. On each of Counts 1
24 and 2, the maximum is incarceration for a period of 20 years,
25 three years of supervised release, a fine of \$250,000 or twice

1 the gross gain or loss, whichever is greater, a mandatory
2 special assessment of \$100, restitution, and forfeiture to the
3 extent charged in the information.

4 With respect to Count 3, there's a mandatory sentence
5 of incarceration for two years consecutive to the sentence for
6 the underlying enumerated felony, supervised release for one
7 year, a fine of \$250,000 or twice the gross gain or loss,
8 whichever is greater, a mandatory special assessment of \$100,
9 and restitution.

11:11AM 10 THE COURT: All right. Ms. Mulloy, do you understand
11 that I will have the power to give you a term of imprisonment
12 of up to 20 years on Counts 1 and 2?

13 THE DEFENDANT: Yes.

14 THE COURT: And do you understand that on Count 3, I
15 will be required to give you a term of imprisonment of two
16 years consecutive to whatever sentence I impose on Counts 1 and
17 2; do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: In other words, I can't go lower than
11:12AM 20 that; do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. Do you understand that in
23 addition to a prison term, I will have the power to give you a
24 term of supervised release of up to three years on Counts 1 and
25 2 and up to one year on Count 3?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand that if you violate the
3 conditions of your supervised release, you could be given
4 additional time in prison?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand that I also will have
7 the power to impose a fine on all three counts of up to
8 \$250,000 or twice the gross gain or loss, whichever is greater?

9 THE DEFENDANT: Yes.

11:12AM 10 THE COURT: Do you understand that by pleading guilty,
11 there will be forfeiture consequences, and you'll be required
12 to forfeit certain property to the United States?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that I may order you to
15 pay restitution to any victim of your offense, in other words,
16 I may order you to pay money to any victim to compensate them
17 for any harm you may have caused?

18 THE DEFENDANT: Yes.

19 THE COURT: And do you understand that in addition to
11:13AM 20 everything else, you'll be required to pay a \$100 special
21 assessment on each count for a total of \$300?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand all of those possible
24 consequences of pleading guilty, a term of imprisonment, which
25 cannot be less than two years, a term of supervised release, a

1 fine, forfeiture consequences, restitution, and a special
2 assessment?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. Do you understand that by
5 being judged guilty, you may lose valuable civil rights,
6 including the right to vote, the right to hold public office,
7 the right to serve on a jury, and the right to possess a gun?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. I now want to talk to you
10 about the United States Sentencing Guidelines and how they
11 might affect your sentence.

12 The Sentencing Guidelines have been issued by the
13 United States Sentencing Commission for Judges to follow when
14 determining the sentence in a criminal case. They are not
15 mandatory. That means I do not have to follow them, but,
16 nonetheless, they are important.

17 Have you and your lawyer talked about the Sentencing
18 Guidelines and how they might apply in your case?

19 THE DEFENDANT: Yes.

11:14AM 20 THE COURT: Do you understand that I will not be able
21 to determine your guideline sentence until after probation has
22 prepared a pre-sentence report?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that that pre-sentence
25 report will contain information about you, and your criminal

1 history, if you have one, and the crimes you committed?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand that the report will
4 also contain a recommended application of the Sentencing
5 Guidelines?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand that you will have an
8 opportunity to read that report and to go over it with your
9 lawyer?

11:14AM 10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand you'll have an
12 opportunity to object to that report and to challenge anything
13 report in it and to challenge the application of the Sentencing
14 Guidelines that probation recommends?

15 THE DEFENDANT: Yes.

16 THE COURT: And do you understand that under the
17 guideline system, I may have the authority to depart from the
18 guideline sentence and to give you a sentence that's either
19 higher or lower than what the guidelines call for?

11:15AM 20 THE DEFENDANT: Yes.

21 THE COURT: And do you understand that although I am
22 not required to follow the Sentencing Guidelines, I am required
23 to consider the guideline sentence before I impose sentence on
24 you?

25 THE DEFENDANT: Yes.

1 THE COURT: Do you understand that by law I'm also
2 required to consider a number of different sentencing factors,
3 including such things as the nature and circumstances of the
4 crimes, your personal history and characteristics, and the need
5 for the sentence to reflect the seriousness of the offense,
6 promote respect for the law, provide just punishment, provide
7 adequate deterrence, and protect the public?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. Do you understand that you
11:15AM 10 will not be permitted to withdraw your plea of guilty if your
11 sentence is longer than you expected, or if you're unhappy with
12 your sentence, or if it's different from any sentence your
13 lawyer might have predicted?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. Do you understand that parole
16 has been abolished and that if you are sentenced to prison, you
17 will not be released early on parole?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you understand that any victim of your
11:16AM 20 crime has the right to participate in the sentencing proceeding
21 either in writing or in person?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that under the plea
24 agreement, you have waived at least in part your right to
25 appeal any sentence that I impose?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand that you have agreed
3 that you will not appeal any sentence of imprisonment of 75
4 months or less that I impose?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand that in addition to
7 waiving your right to appeal such a sentence, you've also
8 agreed to give up your right to challenge it in a future legal
9 proceeding?

11:16AM 10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand you've also waived your
12 right to appeal any orders concerning your supervised release,
13 fines, forfeiture, or restitution?

14 THE DEFENDANT: Yes.

15 THE COURT: And do you understand that in addition to
16 waiving your right to appeal or challenge your sentence, you've
17 also waived your right to appeal or challenge your conviction,
18 your plea of guilty?

19 THE DEFENDANT: Yes.

11:17AM 20 THE COURT: And do you understand that the only
21 exceptions are that you've reserved your right to later claim
22 that your lawyer rendered ineffective assistance of counsel or
23 that the prosecutor engaged in misconduct entitling you to
24 relief? Do you understand that?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: Do you understand that the government has
2 agreed that it will not appeal any prison sentence of 75 months
3 or more?

4 THE DEFENDANT: Yes.

5 THE COURT: Is there anything further on the waiver of
6 appeal, Mr. Balthazard?

7 MR. BALTHAZARD: No, your Honor, thank you.

8 THE COURT: Mr. Dwyer.

9 MR. DWYER: None.

11:17AM 10 THE COURT: All right. Ms. Mulloy, do you understand
11 that you have the right to plead not guilty to any crime
12 charged against you and to go to trial?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that you have the right
15 to a trial by jury?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand that at the trial, you
18 would be presumed to be innocent, and the government would have
19 to prove your guilt beyond a reasonable doubt?

11:17AM 20 THE DEFENDANT: Yes.

21 THE COURT: Do you understand that at the trial, you
22 would have the right to the assistance of counsel for your
23 defense?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand that you would have the

1 right to see and hear all the witnesses against you and to have
2 them cross-examined in your defense?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand that you would have the
5 right to require witnesses to come to court to testify in your
6 defense?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand that you would have the
9 right, if you chose to exercise it, to testify in your defense?

11:18AM 10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand that you would have the
12 right to refuse to testify and to refuse to put on evidence
13 unless you voluntarily elected to do so?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that if you decided not
16 to testify or not to put on any evidence, that those facts
17 could not be used against you?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you understand that by pleading guilty
11:18AM 20 here today, if I accept your plea, they'll be no trial, and
21 you'll have waived or given up your right to a trial?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. Mr. Balthazard, would you
24 please summarize the charges against the defendant describing
25 the essential elements of each offense charged. I'll ask you

1 in a moment for the factual basis. I'm looking for the
2 elements of the offense.

3 MR. BALTHAZARD: Yes, your Honor. There are three
4 counts in the information. The first two charge wire fraud in
5 violation of 18 U.S. Code, Section 1343, and the elements of
6 wire fraud are that there was a scheme to defraud or obtain
7 money or property by false and fraudulent pretenses or
8 representations or promises.

9 As alleged, the use of false statements, assertions,
10 half-truths, or knowing concealments concerned material facts
11 or matters, and that the defendant knowingly and willfully
12 participated in the scheme with knowledge of its fraudulent
13 nature and with the specific intent to defraud, and in
14 furtherance of that, caused the use of an interstate wire.

15 With respect to Count 3, which charges aggravated
16 identity theft in violation of 18 U.S. Code, Section 1028(a),
17 the elements are that the defendant knowingly transferred,
18 possessed, or used without lawful authority a means of
19 identification of another person in relation to a felony
20 enumerated in the statute, which includes wire fraud.

21 THE COURT: All right. Ms. Mulloy, do you understand
22 what the government would have to prove beyond a reasonable
23 doubt in order for you to be found guilty at the trial as to
24 each of those charges?

25 THE DEFENDANT: Yes.

1 THE COURT: All right. Mr. Balthazard, would you
2 please state the factual basis for the plea, that is, what the
3 government would be prepared to prove if this case were to go
4 to trial.

5 MR. BALTHAZARD: Yes, your Honor, if the case were to
6 go to trial, the government would present evidence to establish
7 the following beyond a reasonable doubt: That the defendant,
8 Debra Mulloy, was employed by the company identified in the
9 Information as Company A from approximately October 2004 until
10 the end of 2016.

11:20AM

11 She was hired as the company's comptroller to handle
12 basic accounting and bookkeeping duties but took on additional
13 duties and responsibilities after one of Company A's two owners
14 passed away in 2011.

15 Thereafter, Ms. Mulloy had unfettered access to
16 Company A's financial accounts and was responsible for paying
17 bills, managing payroll, purchasing supplies, and managing the
18 office.

19 Although she did not have signature authority on
20 Company A's checking accounts, she monitored and managed its
21 bank accounts and had authority to make wire transfers to pay
22 its bills.

11:21AM

23 She also had access to Company A's American Express
24 account online. The person identified in the information as
25 Victim 1 was employed by Company A and had an American Express

1 card issued to Victim 1 in his name.

2 The account associated with Victim 1's AmEx account
3 was a number ending with 84161, and the account number was
4 unique to Victim 1.

5 Beginning in 2012, Ms. Mulloy began using Victim 1's
6 Company A's AmEx account and account number to make
7 unauthorized payments unrelated to her employment ultimately
8 totaling about \$2.4 million.

9 Ms. Mulloy did so even after Victim 1 left Company A's
11:22AM 10 employ in 2015. To conceal the scheme, she paid the AmEx bills
11 from wires from Company A's bank account. Ms. Mulloy also
12 caused checks from Company A's bank account to be issued for
13 her benefit primarily by causing the owner of the company to
14 sign checks that she falsely led him to believe were for
15 business purchases, specifically checks issued to pay her
16 personal credit card bills and checks payable to her husband's
17 contracting company for which no services were provided.

18 As a result of Ms. Mulloy using Company A's funds, the
19 business became strapped for cash. Ms. Mulloy deflected
11:22AM 20 attention from herself by telling the owner that their
21 purported cash flow problems were caused by clients who were
22 slow to pay their bills.

23 Ms. Mulloy persuaded the owner to remedy the problem
24 by lending some of his personal retirement funds to the
25 business. Ms. Mulloy charged roughly \$2 million on Company A's

1 AmEx account using Victim 1's account number at two high end
2 Boston area boutiques to buy hundreds of items, including
3 dresses, furs and accessories. She also spent hundreds of
4 thousands more at or other jewelry and clothing stores in the
5 Boston area, as well as online, through websites, such as the
6 QVC, sales website, and the Home Shopping Network.

7 She made similar purchases though on a smaller scale
8 using her personal credit cards, which she paid off using
9 checks on Company A's bank account.

11:23AM 10 Ms. Mulloy did not purchase most of these items for
11 her own use but instead placed much of what she bought for
12 resale and consignment stores and collected a portion of the
13 purchase price for those items that were sold through those
14 consignment stores.

15 Ms. Mulloy quit her job in December of 2016 after
16 Company A's owner began requesting more information about the
17 company's finances, including the AmEx account. After she
18 left, the company hired forensic accountants who discovered
19 what Ms. Mulloy had done.

11:24AM 20 In total, they found that Ms. Mulloy had defrauded
21 Company A of approximately \$2,654,346. In furtherance of her
22 fraudulent scheme, Ms. Mulloy caused the two interstate wires
23 to be sent, as described in Counts 1 and 2 of the information
24 on or about the dates alleged. Those wires were payments from
25 Company A's bank account to American Express primarily to pay

1 for Ms. Mulloy's unauthorized charges. The evidence would also
2 establish that Ms. Mulloy possessed and used Victim 1's
3 Company A's AmEx account number during and in relation to her
4 wire fraud scheme as charged in Count 3, and that's the summary
5 of the evidence the government would present, your Honor.

6 THE COURT: All right. Ms. Mulloy, do you disagree
7 with anything in the government's description of the facts?

8 THE DEFENDANT: No.

9 THE COURT: All right. I will take the plea to the
10 information.

11 THE CLERK: Ms. Mulloy, would you please stand.
12 Counts 1 and 2 of the information charges you with wire fraud
13 in violation of Title 18, United States Code, Section 1343.
14 How do you wish to plead to Count 1?

15 THE DEFENDANT: Guilty.

16 THE COURT: How do you wish to plead to Count 2?

17 THE DEFENDANT: Guilty.

18 THE CLERK: Count 3 of the information charges you
19 with aggravated identity theft in violation of Title 18,
20 United States Code, Section 1028A(a)(1). How do you wish to
21 plead to Count 3?

22 THE DEFENDANT: Guilty.

23 THE CLERK: You can be seated.

24 THE COURT: It is the finding of the Court in the case
25 of United States vs. Debra Mulloy, also known as Debra DePaul,

1 that the defendant is fully competent and capable of entering
2 an informed plea, that the defendant is aware of the nature of
3 the charges and the consequences of the plea, and that the plea
4 of guilty is a knowing and voluntary plea supported by an
5 independent basis in fact containing each of the essential
6 elements of the offenses charged. The plea is therefore
7 accepted, and the defendant is now adjudged guilty of those
8 offenses.

9 All right. Ms. Mulloy, as I told you, a written
11:25AM 10 pre-sentence report will be prepared by probation to assist me
11 in determining your sentence. You'll be asked to give
12 information for that report. Your lawyer may be present, if
13 you wish. It is important that the report be accurate. It
14 will not only affect what sentence you receive but what happens
15 to you after you are sentenced.

16 For example, if you're sent to prison, it will affect
17 where you are sent and what happens to you when you get there.
18 Even minor mistakes in the report should be corrected. You'll
19 have a chance to read the report and to go over it with your
11:26AM 20 lawyer and to make objections to it before the time of
21 sentencing. Both your lawyer and you personally will have the
22 opportunity to speak on your behalf at the time of sentencing.

23 I will therefore refer you to probation for the
24 presentence investigation and preparation of the report. That
25 process usually takes about 12 weeks to complete, so I will set

1 sentencing for Tuesday, October 2nd at 2:00. Does that work
2 for everyone?

3 MR. BALTHAZARD: Unfortunately, your Honor, I have
4 another sentencing at that time on that date.

5 THE COURT: All right. How about Tuesday, October 9th
6 at 9:30 a.m. Does that work?

7 MR. BALTHAZARD: That's fine, thank you.

8 MR. DWYER: Fine, your Honor.

9 THE COURT: October 9th at 9:30 a.m. What is the
10 government's position with regard to release or detention?

11 MR. BALTHAZARD: The government is satisfied with the
12 recommendations made in the pretrial services report, your
13 Honor, \$25,000 unsecured bond and a variety of conditions set
14 forth there.

15 THE COURT: All right. I take it, Mr. Dwyer, that is
16 satisfactory to you?

17 MR. DWYER: That's fine.

18 THE COURT: All right. Ms. Mulloy, I'm going to
19 release you on a \$25,000 unsecured bond with certain
20 conditions. There are various conditions of release required
21 by statute that I'm going to require you to obey. They'll be
22 set forth in the paperwork. You are to report to probation and
23 pretrial services as directed. You're to maintain your current
24 residence, and you cannot move without prior permission. You
25 should continue to actively seek employment. You should not

1 obtain any employment if you would have access to the funds or
2 banking information of an individual or a business unless
3 approved by probation and by the business or person in
4 question.

5 You must surrender any passport you have to probation
6 or pretrial services and not to apply for or obtain any other
7 passport or travel documents. I'm going to restrict your
8 travel to the New England states, which are Massachusetts,
9 Rhode Island, Connecticut, Vermont, New Hampshire and Maine,
10 and you're not to travel outside those six states without
11 permission.

12 You must not possess any gun, firearm, destructive
13 device or other dangerous weapon. Any contact you have with
14 law enforcement of any kind must be reported to probation
15 within 24 hours, and you're to participate in a mental health
16 treatment program as directed by probation and to comply with
17 any of the rules or requirements of any program.

18 You'll be required to pay for or contribute to the
19 cost of any treatment based on your ability to pay or
20 third-party payment payment, if available.

21 Do you understand the conditions that I'm releasing
22 you under, Ms. Mulloy?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: Do you have any questions for me about
25 those conditions?

1 MR. BALTHAZARD: No, I don't.

2 THE COURT: All right. If there's any doubt in your
3 mind about what you can and can't do, you should ask questions,
4 ask probation whether it's permissible, not simply decide on
5 your own. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: And do you understand that you're no
8 longer presumed innocent, you've pleaded guilty, and I'll take
9 that fact into account if there's any problem. Do you
10 understand that?

11:30AM

11 THE DEFENDANT: Yes.

12 THE COURT: All right. I'm going to release you on
13 that bond and with those conditions. I'll sign the paperwork
14 in advance for the sake of convenience, but you will have to
15 swear under oath that you do accept them, and the clerk will
16 also have to sign the paperwork as well.

17 All right. Is there anything further, Mr. Balthazard?

18 MR. BALTHAZARD: No, your Honor, thank you.

19 THE COURT: Mr. Dwyer.

11:31AM

20 MR. DWYER: The only thing I was going to say on a
21 lighter note was that I've worked hard to keep my composure
22 here during this hearing given the fact that my old law
23 partner's portrait is hovering over me, your Honor.

24 THE COURT: Well, she stares at me as well every day,
25 Mr. Dwyer.

1 THE COURT: All right. With that, I will see you all
2 again barring further developments on October the 9th.

3 MR. DWYER: Thank you, your Honor.

4 THE CLERK: All rise.

5 (Whereupon, the hearing was adjourned at 11:31 a.m.)

6 C E R T I F I C A T E

7 UNITED STATES DISTRICT COURT)
8 DISTRICT OF MASSACHUSETTS) ss.
9 CITY OF BOSTON)
10

11 I do hereby certify that the foregoing transcript,
12 Pages 1 through 28 inclusive, was recorded by me
13 stenographically at the time and place aforesaid in Criminal
14 Action No. 18-10200-FDS, UNITED STATES of AMERICA vs.
15 DEBRA MULLOY and thereafter by me reduced to typewriting and is
16 a true and accurate record of the proceedings.

17 Dated this October 7, 2019.

18
19 s/s Valerie A. O'Hara

20 _____
21 VALERIE A. O'HARA

22 OFFICIAL COURT REPORTER
23
24
25